



Docket No. 2324-7028US1

164H
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MOSBACH, et al.

Group Art Unit: 1641

Serial No.: 09/305,738

Examiner: M. Ceperly

Filed: May 6, 1999

For: ARTIFICIAL ANTIBODIES, METHOD OF PRODUCING THE SAME AND USE THEREOF

TRANSMITTAL OF TERMINAL DISCLAIMER TO OBVIATE NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION UNDER 37 C.F.R. § 1.321(C)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is/are the following items being submitted in the above-identified application:

- ☒ Executed Terminal Disclaimer To Obviate Nonstatutory Obviousness-Type Double Patenting Rejection under 37 C.F.R. § 1.321(c).
- ☐
- ☒ A check for the required fee of \$130.00 is enclosed.
- ☐ Please charge the required fee of \$_____ to Deposit Account No. 13-4500, Order No. _____.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2324-7028US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 28, 2006

By: 

Eric G. Wright
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**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(C)
TO OBVIATE NONSTATUTORY OBVIOUSNESS-TYPE
DOUBLE PATENTING REJECTION**

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Identity of Assignee

The Petitioner, Klaus MOSBACH, having an address at Gablerstrasse # 6, 8002 Zurich, Switzerland, is the owner of the entire right, title and interest in the above-identified application, Serial No. 09/305,738, by virtue of an assignment recorded on December 16, 2005, at Reel/Frame No(s) 016917/0544. The petitioner is also the owner of the entire, right, title and interest in U.S. Patent No. 5,959,050, by virtue of an assignment recorded on July 11, 2006, at reel/Frame No(s) 017921/0464.

Identification of Person(s) Making This Disclaimer

This disclaimer is being made by Petitioner, Klaus Mosbach. Klaus Mosbach is a named inventor and the Assignee of the entire right, title and interest in application Serial No. 09/305,738 and the owner of the entire right, title and interest in U.S. Patent No. 5,959,050.

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Extent of Interest

The extent of assignee's interest is in the whole of this invention.

Declaration Under 37 C.F.R. 3.73(b)

I, Klaus Mosbach, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is mine, the Assignee, as identified above.

Disclaimer

The Petitioner, Klaus Mosbach, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of United States Patent No. 5,959,050. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent Application Serial No. 09/305,738 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 5,959,050, in the event that U.S. Patent 5,959,050 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Serial No. 09/305,738

Fee Status
(37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

- ☒ large entity--fee \$130.00
☐ small entity--fee \$65.00

Fee Payment

- ☒ Attached is a check in the sum of \$130.00.

Respectfully submitted,

Date: July 27 - 06

Klaus S. Mosbach
Klaus S. MOSBACH

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